# PAGE 1/3 \* RCVD AT 10/18/2005 3:41:26 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-6/31 \* DNIS:2738300 \* CSID: \* DURATION (mm-ss):01-12

PATENT, COPYRIGHT, TRADEMARK, TRADE SECRET AND RELATED LITIGATION

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## RECEIVED CENTRAL FAX CENTER

OCT 18 2005



To:	Examiner Jimmy T. \	Vu F	From: Michael J. Mehrn			
	Art Unit 2821					
	USPTO		·			
Fax:	1 571 273 8300	., Р	ages: 3, including cov	er		
Phone:		D	ate: October 18, 2005			
Re:	WIPER-TYPE PHASE SHIFTER WITH CANTILEVER SHOE AND DUAL-					
	POLARIZATION ANTENNA WITH COMMONLY DRIVEN PHASE SHIFTERS					
	Serial No.: 10/652,657					
	Our Ref. No.: 8E07.1-070					
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**Patents** 

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

in re Ap	plication of:		
Darin N	fl. Janoschka )	) )	
Serial No.: <b>10/652,657</b>		) Art Unit: ) ) Examiner: )	2821 : Jimmy T. Vu
Filed: <b>August 28, 2003</b>			
F	Niper-Type Phase Shifter With ) Cantilever Shoe and Dual- Polarization Antenna With ) Commonly Driven Phase Shifters )		

RESPONSE TO FIRST OFFICIAL ACTION

Commissioner for Patents Mail Stop Non-Fee Amendment P.O. Box 1450 Alexandria, VA 22313-1450

October 18, 2005

Sir:

### **AMENDMENT**

In response to the First Official Action mailed September 20, 2005, all of the rejections are based on Runyon, U.S. Patent No. 6,788,165, which does not show or describe a "cantilevered shoe" within the ordinary meaning of that term, which would be understood to mean supported on one end in an overhanging configuration. Rather the phase shifter shoe in Runyon is supported on three feet surrounding a central pivot. In addition, this reference is not available as prior art under 35 U.S.C. § 103 (c) because both inventors were under an obligation to assign, and have in fact assigned, their respective inventions to the same entity.

#### REMARKS

I hereby certify that this correspondence is being filed with the United States Patent and Trademark Office, Patents by facsimile directed to Examiner Jimmy T. Vu in Art Unit 2821 at

Central Fax (571) 273 8300 on October 18, 2005.

Michael J. Mehrman Reg. No. 40,086

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Oct.18. 2005 2:24PM MEHRMAN LAW OFFICE